



Express Mail No. EL 989613430 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Burke et al.	Docket No:	375608-023C1 (360942)
Serial No.:	10/656,657	Confirmation No.:	8319
Filed:	September 4, 2003	Group Art Unit:	1618
For:	<b>OXIDIZED COLLAGEN FORMULATIONS FOR USE WITH NON-COMPATIBLE PHARMACEUTICAL AGENTS</b>	Examiner:	Young, Micah Paul

REPLACEMENT TERMINAL DISCLAIMER

**Mail Stop Issue Fee**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Intarcia Therapeutics, Inc., a corporation of the State of Delaware, having a place of business at 2000 Powell Street, Suite 1640, Emeryville, California 94608, is the owner of the entire right, title, and interest in:

1. The instant application, U.S. Serial No. 10/656,657, filed September 4, 2003, a continuation of U.S. Serial No. 09/858,247, filed May 15, 2001, now U.S. Patent No. 6,673,370; and
2. U.S. Serial No. 09/858, 247, filed May 15, 2001, now U.S. Patent No. 6,673,370.

Evidence of ownership of these applications is provided in four Assignments recorded in the United States Patent and Trademark Office for U.S. Serial No. 09/858,247, filed May 15, 2001, now U.S. Patent No. 6,673,370. The first Assignment is recorded at Reel No. 011816, Frame No. 0615. The second Assignment is recorded at Reel No. 014471, Frame No. 0743. The third Assignment is recorded at Reel No. 014460, Frame No. 0352. The fourth Assignment is recorded at Reel No. 016630, Frame No. 0457.

Intarcia Therapeutics, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration

date of the full statutory term defined in 35 U.S.C. §§ 154 and 173, as shortened by any terminal disclaimer of U.S. Serial No. 09/858,247, now U.S. Patent No. 6,673,370.

Intarcia Therapeutics, Inc. hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Intarcia Therapeutics, Inc. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of U.S. Serial No. 09/858,247, now U.S. Patent No. 6,673,370, as shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

This Terminal Disclaimer is filed November 23, 2005 to replace the Terminal Disclaimer filed May 26, 2005, which contained errors in the chain of title to the assignee, Intarcia Therapeutics, Inc. and which included 35 U.S.C. §§ 155 and 156 in connection with the full statutory term of the prior patent, U.S. Patent No. 6,673,370.

The statutory disclaimer fee required under 35 C.F.R. § 1.20(d) was paid with the Terminal Disclaimer filed May 26, 2005. Therefore, pursuant to M.P.E.P. § 1490, Applicant is not required to pay another disclaimer fee when submitting a replacement Terminal Disclaimer.

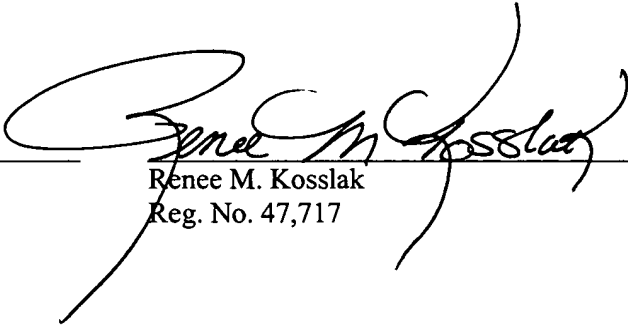
The Commissioner is hereby authorized to charge any underpayment of fees, including fees for extension of time or other relief as may be required, and/or credit any overpayment to Deposit Account No. 50-2778 (Order No. 375608-023C1 (360942).

Please direct any inquires in connection with the above referenced application to David S. Stec at telephone number (415) 262-4506.

Respectfully submitted,

Date: November 23, 2005

**DECHERT LLP**  
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12071865.1



PTO/SB/81 (04-05)

Approved for use through 11/30/2005. OMB 0651-0035

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/656,657
Filing Date	September 4, 2003
First Named Inventor	David J. Burke
Title	Oxidized Collagen Formulations...
Art Unit	1615
Examiner Name	Young, M.P.
Attorney Docket Number	375608-023C1

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☒ Practitioners associated with the Customer Number:

37509

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

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Individual Name

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Telephone

Email

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Signature	<i>Curtis L. Scribner</i>	Date	22 Nov 2005
Name	Curtis L. Scribner, MD	Telephone	510.652.2600
Title and Company	Vice President, Regulatory Affairs		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**SUPPLEMENTAL SHEET TO STATEMENT UNDER 37 CFR 3.73(B)**  
**(PTO/SB/96)**

Applicant/Patent Owner: Intarcia Therapeutics, Inc.

Application No./Patent no.: 10/656,657

Filed: September 4, 2003

Entitled: OXIDIZED COLLAGEN FORMULATIONS FOR USE WITH NON-COMPATIBLE  
PHARMACEUTICAL AGENTS

A chain of the title from the inventors(s), of the patent application/patent identified above, to the  
current assignee as shown below:

4. From: Biomedicines, Inc. To: Intarcia Therapeutics, Inc.

The document was recorded in the United States Patent and Trademark Office at  
Reel 016630, Frame 0457, or for which a copy thereof is attached.



PTO/SB/95 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Intarcia Therapeutics, Inc.

Application No./Patent No.: 10/656,657 Filed/Issue Date: September 4, 2003

Entitled: OXIDIZED COLLAGEN FORMULATIONS FOR USE WITH NON-COMPATIBLE PHARMACEUTICAL AGENTS

Intarcia Therapeutics, Inc., a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: David J. Burke and Son I. Kuan To: Matrix Pharmaceutical, Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 011816, Frame 0615, or for which a copy thereof is attached.
2. From: Matrix Pharmaceutical, Inc. To: Biomedicines, Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 014471, Frame 0743, or for which a copy thereof is attached.
3. From: Chiron Corporation To: Biomedicines, Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 014460, Frame 0352, or for which a copy thereof is attached.

☒ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Curtis L. Scribner

Signature

22 Nov 2005

Date

Curtis L. Scribner, MD

Printed or Typed Name

510.652.2600

Telephone Number

Vice President, Regulatory Affairs

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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